



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/622,207

07/18/2003

Edwin J. Hlavka

MICO-06C

4023

26875 7590 10/28/2009  
WOOD, HERRON & EVANS, LLP  
2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI, OH 45202

EXAMINER

MATTHEWS, WILLIAM H

ART UNIT

PAPER NUMBER

3774

MAIL DATE

DELIVERY MODE

10/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* EDWIN J. HLAVKA,  
and PAUL A. SPENCE

---

Application No. 10/622,207  
Technology Center 3774

---

Mailed: October 28, 2009

---

Before DELORES LOWE, *Review Team Paralegal*  
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 20, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER/GROUNDS OF REJECTION

The Examiner's Answer mailed May 12, 2009 is defective, since it states under the Grounds of Rejection that Claims 60-67 and 69 are rejected under 35 U.S.C. 112, first paragraph . . . . However, the amendment filed October 30, 2008, canceled claims 1-59 and 68-70. Appropriate correction is required, for clarification of the record.

CONCLUSION

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

- 1) vacate the Examiner's Answer mailed May 12, 2009, and mail a Supplemental Examiner's Answer with the correct information for the claims under the Grounds of Rejection; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

dal

WOOD, HERRON & EVANS, LLP  
2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI OH 45202